

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

473C0471

## SENATE BILL NO. 154

Introduced by: Senators Munson (David), Ham, and Vitter and Representatives Peterson and Waltman

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the Public Utilities  
2 Commission implementation of the federal Telecommunications Act of 1996.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 49-31-81 be amended to read as follows:

5 49-31-81. The commission may implement and comply with the provisions of the federal  
6 Telecommunications Act of 1996, including the promulgation of rules pursuant to chapter 1-26  
7 . only to the extent mandated by the federal Telecommunications Act of 1996. Except to the  
8 extent a local exchange carrier is exempt from or has received a suspension or modification  
9 pursuant to 47 U.S.C. § 251(f)(1) or 251(f)(2), as of January 1, 1998, and the provisions of this  
10 chapter, the carrier shall provide interconnection, network elements, and other  
11 telecommunications services to any provider of competitive telecommunications services that  
12 requests such interconnection and services to the extent required by 47 U.S.C. §§ 251(a) to  
13 251(c), inclusive, as of January 1, 1998. If the parties are unable to voluntarily negotiate an  
14 agreement for the interconnection or services requested, either party may petition the  
15 commission to mediate or arbitrate any unresolved issues as provided in 47 U.S.C. § 252. The  
16 provisioning of interconnection, network elements, and other telecommunications services to the

1 extent required by 47 USC §§ 251(a) to 251(c), inclusive, by a local exchange carrier pursuant  
2 to this section is not subject to §§ 49-31-1.1 to 49-31-1.4, inclusive, §§ 49-31-3.1 to 49-31-4,  
3 inclusive, §§ 49-31-12.2, 49-31-12.4, 49-31-12.5, and §§ 49-31-18 and 49-31-19, inclusive.